

**Town of Shrewsbury - Board of Selectmen  
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room  
100 Maple Avenue  
Monday, June 19, 2006 at 7:00 PM**

**Minutes**

**Present:**

Bruce Card, Maurice DePalo, Thomas Fiore, John Lebeaux, James McCaffrey, and Daniel Morgado, Town Manager. Mr. Lebeaux called the meeting to order at 7:03pm.

**Preliminaries:**

1. Approve bills, payrolls and warrants, #0699 in the amount of \$290,029.36, #0699S in the amount of \$2,329,850.97, and #06102 in the amount of \$2,526,502.69. Motion made, seconded and unanimously approved.
2. Approve minutes June 5, 2006. Motion made, seconded and unanimously approved.
3. Announcements – Mr. Lebeaux congratulated the Shrewsbury High School Softball Team on winning the Division 1 State Championship by defeating Dighton-Rehoboth.
4. Town Manager's Report – Mr. Morgado announced that Chief Sampson has organized a general clean-up on Saturday, June 24<sup>th</sup>, of the Oak Island Boat Ramp due to recent events in that area. The Board of Health and Highway Departments will be working with the Chief in this effort. The clean up will start at 7:30am and end by 12:00 noon. Anyone wishing to help should be at the site around 7:00am.

**Meetings:**

5. 7:05pm - Representative Polito. The Representative was unable to attend due to another commitment. She will reschedule for another time.
6. 7:15pm – Sign Street Acceptances On May 15, 2006 Town Meeting voted to accept the following streets: Arbor Drive, Argila Lane, Beths Road (part one), Beths Road (part two), Carriage Hill Road, Cox Lane, Grist Mill Circle, Jane Street, Lahinch Lane, Sheryl Drive, Stone Meadow Farm Drive, Tralee Lane, Turtle Creek Circle, and Waterville Lane. Also, portions of: Adams Road (part one), Adams Road (part two), Birch Lane and Stoneybrook Lane. Motion was made, seconded and unanimously voted to sign the street acceptances as presented.

**Public Hearings:**

7. 7:30pm – Gail Villanti, 27 Elm Street – Dog Complaint Hearing. Mr. Lebeaux opened the hearing and asked all those who would be making a statement to rise and be sworn in. Mr. Lebeaux swore in Animal Control Officer Leona Pease, Martha Barnes and Michael Grant, complainants. Gail and Mario Villanti, dog owners and Atty. Robert Amorello, counsel for the Vallantis. Mr. Lebeaux advised that a letter of complaint had been received by the Board and the Board had requested a report from Officer Pease. He asked Officer Pease and Ms. Barnes to explain the complaint. Ms. Barnes advised that there has been a problem with excessive barking with this dog for several years. At one time she had an agreement with the Vallantis that the dog would only be out on Tuesday and Thursday but that did not last. Now the dog is out all the time, barking constantly. Officer Pease testified that she had been called several times and had heard the dog barking. Mr. Lebeaux asked Atty. Amorello if he had any questions for Ms. Barnes or Officer Pease. Mr. Amorello asked Ms. Barnes and Officer several questions and inferred that the dog did not bark any more than other dogs and that it had been antagonized by Ms. Barnes and Mr. Grant. He stated that there were on going disputes between Ms. Barnes and the Vallantis other than the dog issue. After a number of questions by the Board to the parties involved and the Animal Control Officer, a motion was made, seconded and unanimously voted to close the hearing. The Board discussed the testimony and the Animal Control Officer's report to determine a finding. Mr. Fiore moved that the dog, Boo-Boo, be found to be a nuisance by virtue of excessive barking. Motion was seconded by Mr. Lebeaux. The Board voted two in favor with three opposed. After hearing the sworn testimony and reviewing the Animal Control Officer's report, the dog was determined not to be a nuisance

**Old Business:**

8. Reappointment of Town Counsel, Attorney T. Philip Leader for a term of one year to expire June 30, 2007. Mr. McCaffrey recused himself from the vote to avoid the appearance of conflict of interest. Motion was made, seconded and voted four in favor with one abstention to reappoint T. Philip Leader as Town Counsel for a one year term expiring June 30, 2007.
9. Reappoint Michael R. Hale to the Industrial Financing Authority for a term of three years expiring on March 31, 2009. Motion was made, seconded and unanimously voted to reappoint Michael Hale to the Industrial Financing Authority for a term of three years expiring March 31, 2009.
10. Approve Warrant to Police Officer and/or Dog Officer. Motion was made, seconded and unanimously voted to approve the Police Officer and/or Dog Officer Warrant.
11. Reappoint Constables - James Abdella, Rajoo Ananth, Robert Esposito, Brian Gerardi, John Manzi, James McDonald, Robert McGinley, and Chief Wayne Sampson, – one year term to expire June 30, 2007. Mr. Lebeaux advised that there is a letter of complaint regarding one of the constables up for reappointment on the agenda. He contacted the constable regarding the matter and was satisfied with his explanation. This constable has never had a complaint against him in the many years he has served. Mr. DePalo asked for a check on the services as there does not seem to be many made for the amount of constables we have. Mr. Fiore advised that these constables work for others besides the Town so the number of services is not indicative of the amount actually made. Motion was made to reappoint James Abdella, Rajoo Ananth, Robert Esposito, Brian Gerardi, John Manzi, James McDonald, Robert McGinley and Chief Wayne Sampson as constables for a one year term expiring on June 30, 2007.
12. Report from Chief Sampson re Maironis Park Noise Complaints. The Chief reported that night shifts have been checking and will continue to check but have not noticed any unusual noise. Mr. Lebeaux will respond to complainants.
13. Report from Chief Sampson re Removal of Signs on Baker Avenue. Chief Sampson reported that business conditions in this area no longer require traffic signage. The signs could be removed. Motion was made to amend the Traffic Rules & Orders to remove the signage and no parking restriction on Baker Avenue. Motion was seconded and unanimously voted.
14. Report from Chief Sampson re Police Overtime. Chief Sampson clarified remarks he made at the Annual Town Meeting regarding the order in policy to fill short shifts for police overtime. The policy has been discussed and reviewed with the union and they are in agreement with the present practice and do not wish to change the policy.
15. Report from Chief Sampson re Longfellow Road Speeding. Mr. Lebeaux advised that this report is in response to a long time request. The Chief reported that the majority of vehicles traveled within the speed limit with very few exceptions. The Police Dept. will continue to monitor the area with police radar cars and will update the Board.
16. Report from Chief Sampson re Select Auto Sales. Mr. Fiore recused himself from the discussion to avoid the appearance of a conflict of interest. Mr. Lebeaux advised that the Police Dept. had received a report of too many cars on the lot, exceeding the amount allowed and of repairs being conducted. A detective was sent to check this out and reported that there were too many cars on the lot but observed no repair work being done. Mr., Lebeaux advised that he had also seen too many cars at this location. Motion was made to send a letter to the owners of Select Auto Sales noting the Board's restrictions. Motion was seconded and voted four in favor with one abstention to approve.

#### **New Business:**

17. Act on Tax Incremental Financing Agreement – Charles River Laboratories. Mr. Morgado reviewed the agreement and asked that the Board vote to sign three copies of the contract and authorize the Clerk to sign three copies of the vote. Motion was made to vote that : 1.) By vote of the Shrewsbury Town Meeting held on May 15, 2006, the Town of Shrewsbury approved the 334 South Street Economic Opportunity Area (the “EOA”) within the Framingham-Marlborough Economic Target Area (the “ETA”). 2.) By vote of the Shrewsbury Town Meeting held on May 15, 2006, the Town of Shrewsbury authorized the Board of Selectmen to enter into a Tax Increment Financing Agreement with Charles River Laboratories, Inc. (“Charles River”). 3.) Pursuant to authority granted by Town Meeting vote of May 15, 2006 and by 402 C.M.R.2.10(5), the Board of Selectmen may certify projects within the EOA, and may execute Tax Increment Financing Agreements with the EOA as necessary or appropriate to carry out the purposes of the EOA. 4.) The Board of Selectmen evaluated the project proposed by Charles River in its Certified Project Application in terms of its potential for job creation in the ETA, and its overall economic impact on the ETA, and has determined that the Certified Project is consistent with and reasonably can

be expected to benefit significantly from inclusion in the EOA, will have a reasonable chance of increasing employment opportunities for the residents of the ETA, and otherwise complies with the requirements of 402 C.M.R.2.10(5). 5.) The Project set forth in the Certified Project Application shall be deemed a certified project for a period of 20 years, ending in 2026, as provided in 402 C.M.R.2.10(6) and the Tax Financing Agreement by and between Charles River and the Town of Shrewsbury dated June 19, 2006. 6.) The Selectmen voted to execute the Tax Financing Agreement by and between Charles River and the Town of Shrewsbury dated June 19, 2006 in a form substantially similar to the form presented to the Town Meeting. Motion was seconded and unanimously voted. The agreement now goes to Boston for consideration.

**Executive Session:**

18. Collective bargaining, pending litigation and value of real property.

**Communication:**

19. Noted copy mailed: Letter from Carmen Vazquez, 12 No. Ashland Street, Worcester re John J. Manzi, Constable.
20. Noted copy mailed: Announcement from Executive Office of Environmental Affairs of Smart Growth Technical Assistant Grants: FY 2007.
21. Noted copy mailed: Local Legislative Update from Rep. Polito. Mr. Lebeaux reviewed Rep. Polito's update.
22. Noted copy mailed: Final Report from Mass. School Building Authority re School Facilities Needs Survey.
23. Noted copy mailed: Memo from Treasurer Carolyn Marcotte re Foreclosed Property.
24. Noted copy mailed: ZBA Hearing Minutes, 2/28/06, Meineke Car Care Center by Barlo Sign, 507 Boston Turnpike.
25. Noted copy mailed; ZBA Hearing Minutes, 5/9/06, Tin Y. Chan & Kimberly Huban d/b/a Pump It Up of Shrewsbury, 810 Boston Turnpike.
26. Noted copy mailed: ZBA Hearing Minutes, 5/9/06, Wake Realty, LLC, 149 Memorial Drive.
27. Noted copy mailed: ZBA Hearing Minutes, 6/9/06, Archie Shadbegian, Jr., 120 Old Mill Road.
28. Noted copy mailed: ZBA Hearing Minutes, 6/6/06, Richard Dumas, 24 Kenda Road.
29. Noted copy mailed: CMMPO Meeting Notice and Agenda.
30. Noted copy mailed: E-mail from Ted Gullede, 17 Gage Lane, re Trash Pickup Inquiry and response from Mr. Morgado. Problem has been resolved. Mr. Fiore asked the Manager to look into displays by the business operating at this location. Mr. Morgado will check.
31. Noted copy mailed: Message from Don Gray expressing interest in reappointment to the Historic District Commission for a three year term expiring June 30, 2009. Motion was made, seconded and unanimously voted to reappoint Don Gray to the Historic District Commission for a term of three years expiring June 30, 2009.
32. Noted copy mailed: School Committee Meeting Agenda, 6/14/06.
33. Noted copy mailed: Notice from MassHousing re special briefings with Fannie Mae.
34. Noted copy mailed: Request from Planning Board to reappoint Melvin Gordon to the ZBA by virtue of his position as chairman of the Planning Board and to reappoint Stephan Rodolakis as an associate member of the ZBA by virtue of his position as vice-chairman of the Planning Board. Motion was made to reappoint Melvin Gordon as a member of the ZBA for a period of one year expiring 6/30/07 and Stephan Rodolakis as an associate member of the ZBA for a term of one year expiring 6/30/07 by virtue of their positions as chairman and associate chairman, respectively, of the Planning Board.
35. Noted copy mailed: Notice of Planning Board officers for 2006-07.
36. Noted copy mailed: Notice of Planning Board Public Hearing re Adoption of Rules & Regulations for Inclusionary Housing Submittals. Public Hearing will be held on July 13<sup>th</sup> at 7:05pm in this room regarding the adoption of rules and regulations for inclusionary housing submittals.
37. Noted copy mailed: Request from Shrewsbury Public Library to use the Town Common and gazebo on Friday, August 18, 2006 (rain date Monday, August 21<sup>st</sup>) at 2:00pm for a concert as part of the annual teen summer reading program. Motion was made, seconded and unanimously voted to approve the request pending approval by the First Congregational Church. Mr. Lebeaux advised that he had been in conversation with the First Congregation Church to arrange a meeting before the fall.
38. Noted copy mailed: Veolia Water Monthly Compliance Report, May 2006.

39. Noted copy mailed: Notice of Public Hearing & Procedural Conference from Dept. of Telecommunications & Energy re Joint Petition of Boston Edison Company, Cambridge Electric Light Co., Canal Electric Co., & Commonwealth Electric Co. d/b/a NSTAR Electric for approval of merger.
40. Noted copy mailed: Westborough Treatment Plant Board Meeting Minutes, 5/10/06.
41. Noted copy mailed: COA Board Meeting Minutes 2/8/06, 4/12/06, & 5/10/06.
42. Noted copy mailed: ZBA Hearing Agenda, 6/27/06.
43. Noted copy mailed: Letter from Rep Polito re funding for the Jordan Pond Project. Rep Polito advises that the item has been adopted and the project funded. It now becomes part of a bill for the Governor's signature.
44. Noted copy mailed: School Committee Meeting Minutes, 5/24/06.

Motion was made, seconded, and unanimously voted to adjourn at 8:35pm. On a roll call vote Mr. Fiore, yes, Mr. DePalo, yes, Mr. Card, yes, Mr. McCaffrey, yes, and Mr. Lebeaux, yes.

Respectfully submitted,

Janice C. McCoy  
Secretary